

Message Text

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ACTION OES-05

INFO OCT-01 ISO-00 FEA-01 ACDA-05 CIAE-00 INR-07 IO-11

L-03 NSAE-00 NSC-05 EB-07 NRC-05 DODE-00 /050 W

----- 071660

R 130916Z JAN 76

FM USMISSION IAEA VIENNA

TO SECSTATE WASHDC 6895

INFO USERDA GERMANTOWN

C O N F I D E N T I A L SECTION 1 OF 2 IAEA VIENNA 0204

EO 11652: GDS

TAGS: PARM, TECH, IAEA

SUBJECT: RELEASE BY IAEA OF INFORMATION ON SAFEGUARDS ACTIVITIES

PASS IO/SCT

ALSO PASS NRC

ERDA PASS ISA AND DSS (LYON AND BRENNER)

REF: 75 STATE 148187

SUMMARY: IAEA DIRGEN INTENDS INFORM BOARD GOVS
IN CONNECTION FEB. 24 MEETING OF HIS INTENTION IN
FUTURE TO PROVIDE BOARD ON PERIODIC ROUTINE BASIS
WITH SUBJECT INFORMATION AND WILL OUTLINE SCOPE
AND TYPES OF DATA TO BE INCLUDED. CONSULTATIONS
WITH BOARD MEMBERS PRIOR TO ISSUANCE OF DOCUMENT
PLANNED BY DIRGEN WITHIN NEXT SEVERAL WEEKS.
MISSION PLANS PARALLEL CONSULTATIONS. ACTION
REQUESTED: NONE. END SUMMARY.

1. DURING DISCUSSIONS WITH IAEA INSPECTOR GEN.
ROMETSCH IN LATE NOVEMBER, HE INFORMED MISOFFS
THAT HE HAD SENT TO LEGAL DIVISION DIRECTOR
MACGRIBBON PACKAGE OF INFORMATION ROMETSCH PROPOSED
PROVIDE USG IN RESPONSE TO TAPE LETTER OF OCT.
1974, REQUESTING CONSULTATIONS CONCERNING IAEA SAFE-
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GUARDS ACTIVITIES PURSUANT TO ACTIVE TRILATERALS

TO WHICH USG WAS PARTY. ROMETSCH REPORTED THAT TO HIS DISTRESS, MACGRIBBON HAD JUST INFORMED HIM THAT NO INFORMATION (OTHER THAN SIMPLE ANNUAL STATEMENT OF INVENTORIES SPECIFICALLY USUALLY CALLED FOR IN SAFEGUARDS AGREEMENTS) COULD BE PROVIDED TO ANYONE, WITHOUT SPECIFIC BOARD OF GOVS AUTHORIZATION.

2. IN MY BRIEF CONVERSATION WITH MACGRIBBON IN EARLY DECEMBER, HE CONFIRMED THAT POSITION, SAYING THAT HE COULD FIND NO JUSTIFICATION FOR DISTINGUISHING, AS MISSION HAD SUGGESTED TO ROMETSCH PER REFTTEL BETWEEN INFORMATION GENERATED BY SECRETARIAT AND THAT SUPPLIED BY GOVERNMENTS. HE STATED CATEGORICALLY THAT BOARD ACTION WAS NECESSARY AND HOPED THAT IT COULD BE TAKEN AT ITS FEBRUARY MEETING.

3. JUST BEFORE HIS DEPARTURE FOR TWO-WEEK HOLIDAY, I ASKED ROMETSCH WHETHER THERE WERE PLANS BY SECRETARIAT TO RAISE MATTER IN FEB. BOARD. ROMETSCH REPLIED THAT HE HAD GATHERED TOGETHER VIRTUALLY ALL MATERIAL, BUT HAD NOT HAD OPPORTUNITY TO DISCUSS MATTER FURTHER WITH MACGRIBBON, THEN ATTENDING OCEAN DUMPING CONVENTION MEETING IN LONDON.

4. UPON MACGRIBBON'S RETURN, WE MET WITH HIM DEC. 30; SANDERS (WHO WAS RESPONSIBLE FOR SUBJECT FOR ROMETSCH) AND SHROFF, OF SANDERS' OFFICE WERE ALSO PRESENT. DURING DISCUSSION, WE STRESSED NECESSITY OF MAINTENANCE OF CREDIBILITY OF IAEA SAFEGUARDS BY RELEASE OF INFORMATION TO MEMBER STATES AND PUBLIC CONCERNING WHAT IAEA DOES AND RESULTS. MACGRIBBON WAS IN COMPLETE AGREEMENT RE IMPORTANCE SUCH ACTION. WE REFERRED TO PARA 14(A) OF INFCIRC/66/REV.2, WHICH PROVIDES FOR EXCEPTION TO GENERAL PROHIBITION AGAINST AGENCY COMMUNICATING INFORMATION TO ANY STATE IN THAT "SPECIFIC INFORMATION RELATING TO SUCH IMPLEMENTATION IN A CONFIDENTIAL

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STATE MAY BE GIVEN TO THE BOARD, ETC". MACGRIBBON, TO SURPRISE OF ALL OTHERS PRESENT, STATED THAT HIS PREVIOUS OPINION WAS LIMITED TO QUESTION OF RELEASE OF INFORMATION TO INDIVIDUAL MEMBER STATE (INCLUDING STATE PARTY TO TRILATERAL), BUT THAT HE BELIEVED DIRGEN HAD AUTHORITY AND, IN HIS OPINION, DUTY TO INFORM BOARD OF GOVS TO FULLEST POSSIBLE EXTENT, CONSISTENT WITH OBLIGATION TO MAINTAIN CONFIDENCE

OF COMMERCIALLY SENSITIVE INFORMATION.

6. WE EXPLAINED THAT USG INITIATIVE RE CONSULTATION ON TRILATERALS WAS BASED UPON EXPECTATION (FYI AND ADVICE FROM SECRETARIAT PRIOR TO

MACGRIBBON'S ARRIVAL AND FYI) THAT SECRETARIAT WOULD HAVE LESS DIFFICULTY IN RELEASING INFO TO TRILATERAL PARTY THAN TO OTHER STATES. DURING MORE THAN YEAR SINCE USG INITIATIVE, NEED FOR GETTING INFORMATION ON ALL AGENCY SAFEGUARDS ACTIVITIES TO ALL MEMBER STATES AND PUBLIC AT LARGE HAD BECOME EVIDENT. ACCORDINGLY, USG WOULD BE DELIGHTED IF DIRGEN WOULD PROVIDE BOARD GOVS, ON PERIODIC ROUTINE BASIS, WITH INFORMATION CONCERNING SAFEGUARDS ACTIVITIES UNDER ALL AGREEMENTS, INCLUDING UNILATERAL SUBMISSIONS, THOSE PURSUANT TO NPT, AS WELL AS ALL TRILATERALS. WE WOULD BE HAPPY IF OUR INITIAL REQUEST WERE PUT ASIDE, IN FAVOR OF PURSUING THAT BROADER OBJECTIVE.

7. SHROFF AND SANDERS HASTENED TO POINT OUT THAT QUESTION OF SCOPE AND DETAIL OF INFO WHICH DIRGEN COULD PROVIDE BOARD GOVS WOULD HAVE TO BE CAREFULLY STUDIED, SINCE QUESTION OF WHAT INFO IS CONSIDERED COMMERCIALLY SENSITIVE IS VERY SUBJECTIVE AND VARIES AMONG SIMILAR FACILITIES. EXAMPLE WAS CITED OF FUEL FABRICATION PLANT WHICH CONTAINED, IN

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C O N F I D E N T I A L SECTION 2 OF 2 IAEA VIENNA 0204

ADDITION TO USUAL WORKING STOCK OF NUCLEAR MATERIAL, OTHER MATERIAL BEING HELD ON SPECULATION FOR FUTURE USE OR RESALE TO OTHER FABRICATORS. OPERATOR ACCORDINGLY CONSIDERS SIMPLE STATEMENT OF TOTAL INVENTORY OF PLANT TO BE COMMERCIALY SENSITIVE.

8. MARGIBBON RECOGNIZED THAT EXERCISE OF JUDGEMENT BY DIRGEN AND STAFF WOULD BE REQUIRED IN SUCH CASES AND THAT MUCH WORK NEEDS TO BE DONE BEFORE DATA IS ACTUALLY IN FORM TO BE DELIVERED TO BOARD. HE ALSO NOTED THAT ALL BOARD DOCUMENTS ARE DISTRIBUTED TO ALL MEMBER STATES OF AGENCY SO THAT INFO TO BOARD LIKELY TO BECOME PUBLIC KNOWLEDGE, WHICH HE WOULD WELCOME.

9. WE POINTED OUT VALUE OF EARLIEST POSSIBLE ACTION BY DIRGEN AND SUGGESTED THAT, AT FEBRUARY MEETING, DIRGEN INFORM BOARD OF HIS INTENTION TO PROVIDE BOARD WITH INFORMATION AND TO OUTLINE TYPE OF DATA TO BE PROVIDED ON PERIODIC ROUTINE BASIS.

10. MACGIBBON AGREED, NOTING POSSIBILITY, HOWEVER, THAT BOARD MEMBERS WOULD THUS HAVE OPPORTUNITY EXPRESS ITS VIEWS TO DIRGEN RE WHETHER SUCH INFO APPROPRIATE TO BE GIVEN TO BOARD (AND THUS ALL MEMBER STATES). WE AGREED THAT SUCH RISK EXISTS AND THAT PRIOR CONFIDENTIAL

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CONSULTATION WITH GOVERNMENTS REPRESENTED ON BOARD WOULD BE USEFUL.

11. NEXT DAY, SANDERS (IN ROMETSCH'S ABSENCE) GAVE MEMO TO DIRGEN EKLUND REPORTING DISCUSSION AND REQUESTING APPROVAL PREPARE OUTLINE FOR PRESENTATION TO BOARD IN TIME FOR FEBRUARY MEETING. WHEN AGENCY RESUMED WORK JAN. 5, EKLUND (ENCOURAGED BY ROMETSCH) REQUESTED APPROVAL AND STAFF IS PREPARING BOARD DOCUMENT FOR USE BY EKLUND IN CONSULTATIONS WITH GOVERNMENTS REPRESENTED ON BOARD PRIOR TO ITS ISSUANCE, PRESUMABLY IN FORM OF INFO (AS OPPOSED TO ACTION) DOCUMENT, WITHIN NEXT SEVERAL WEEKS. ACCORDING TO SANDERS, OUTLINE WILL BE PROPOSED WHICH GOES WELL BEYOND THAT INCLUDED IN PAPER TO DECEMBER SAGSI MEETING (WHICH WAS NOT ADDRESSED BY SAGSI).

12. MISSION WILL KEEP IN CLOSE TOUCH WITH SECRETARIAT AS WORK PROCEEDS AND WILL REPORT DEVELOPMENTS. IF RESULTS ARE AS FAVORABLE AS ATTITUDES OF EKLUND, ROMETSCH AND MACGIBBON APPEAR, WE EXPECT TO BE ENGAGED IN CONSULTATIONS WITH OTHER MISSIONS IN PARALLEL WITH DIRGEN'S CONSULTATIONS, IN ORDER TO GAIN BROAD SUPPORT FOR PLANNED ACTION. SUCH SUPPORT CANNOT BE ASSURED, BY ANY MEANS, SINCE ACTION WOULD REPRESENT RADICAL DEPARTURE FROM AGENCY'S TRADITION. INDUSTRIALIZED MEMBERS CAN BE EXPECTED REACT NEGATIVELY INITIALLY, IN ORDER AVOID ANY POSSIBILITY OF REVEALING COMMERCIAL INFO OR REVEALING DIFFERENCES IN PROCEDURES FOLLOWED BY INSPECTORATE AMONG SIMILAR FACILITIES, IF ONE GOVERNMENT BELIEVES IT HAS ACHIEVED BETTER DEAL THAN OTHERS. DEVELOPING COUNTRIES MAY SEIZE UPON THIS ISSUE AS ANOTHER REASON TO CONVENE SAFEGUARDS COMMITTEE, WHICH THEY MAY WISH MEET FOR OTHER PURPOSES. IN THAT RESPECT, FEBRUARY BOARD IS FAR FROM MOST PROPITIOUS OCCASION FOR MATTER TO BE BROACHED. NEVERTHELESS, MISSION BELIEVES LONG- SOUGHT BREAKTHROUGH AND CURRENT MEMENTUM IN SECRETARIAT CONFIDENTIAL

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MUST BE EXPLOITED. SEPTTEL ON ISSUE OF SAFEGUARDS FINANCING, WHICH WE BELIEVE IS PRIMARY MOTIVATION FOR INTEREST BY DEVELOPING COUNTRY SPOKESMEN IS CALLING FOR CONVENING OF SAFEGUARDS COMMITTEE, SUGGESTS RESOLUTION THAT ISSUE. IF THAT CAN BE DONE, OUR TASK WILL BE TO CONVINCE INDUSTRIALIZED MEMBERS OF VALUE OF DIRGEN'S INITIATIVE. LABOWITZ

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